

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Terrell L. Howard

Docket No. 5:06-CR-224-1F

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Terrell L. Howard, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating NCGS 20-138.5, Habitual Impaired Driving, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on April 24, 2007, to the custody of the Bureau of Prisons for a term of 48 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 12 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as may be directed by the probation office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
6. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

Terrell L. Howard was released from custody on March 12, 2010, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

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The defendant has missed appointments with his probation officer on April 22, May 17, July 2, July 9, and July 16, 2010. In addition, he tested positive for the use of cocaine on July 26, 2010. He has been unemployed since his supervision began. He reports his lack of work and income hamper his reporting. In response to his drug use we have referred him to treatment and have maintained our highest level of drug testing. We would also like to modify his supervision to include the conditions listed below. With these conditions we can refer him to several employment programs that have recently begun in our area. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.
2. The offender shall participate in an educational services program as directed by the probation officer. Such program may include GED preparation, English as a Second Language classes, and other classes designed to improve the offender's proficiency in skills such as reading, writing, mathematics, or computer use.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: August 4, 2010

ORDER OF COURT

Considered and ordered this 3rd day of August, 2010, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge